

REMARKS

Claims 1-31 were pending in the present application. Claims 1-19 and 29-31 have been canceled without prejudice or disclaimer herein due to restriction. Thus claims 20-28 of Group III are now pending in the present application. The Applicants respectfully request reconsideration and allowance of the present application in view of the above amendments and the following remarks.

The Applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The Applicants further note with appreciation the acknowledgment contained in the body of the Office Action that the IDS submitted on January 4, 2002 was considered, but have not received a copy of form PTO-1449, on which the Examiner has initialed all listed items. Applicants respectfully request a copy of form PTO-1449, on which the Examiner has initialed all listed items. Applicants further note that according to PAIR, an IDS was allegedly submitted on September 4, 2001. Applicants are not aware of an IDS submitted on September 4, 2001 and request correction of the PAIR information or, alternatively, request further information regarding the noted PAIR entry.

Claims 20-28 stand rejected under 35 U.S.C. §112 second paragraph as being allegedly indefinite. Claims 22 and 25 are canceled and claims 20, 21, 23, 24, and 26 have been amended to address this grounds of rejection. It is therefore requested that the rejection of claims 20, 21, 23, 24, and 26-28 be reconsidered and withdrawn.

Claims 20-28 stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Tsukuda et al, EP 0898316 A1, (hereinafter "Tsukuda"). The rejection is respectfully traversed.

The Examiner alleges that Tsukuda discloses a separator for a nonaqueous electrolyte battery comprising a porous base of at least one material selected from the group consisting of a porous film, a woven fabric and nonwoven fabric containing organic fiber and a paper. An organometallic compound is applied to the porous base which may contain polyvinyl alcohol.

It should be noted that claimed invention is drawn to a porous film of a polymer material. However, it should also be noted that Tsukuda fails to disclose that at least a portion of the polymer material has at least two successive carbon atoms bonded to the carbon atoms of the backbone chain and is modified by a modifier having a predetermined substituent different from the group contained in the polymer material as recited in, for example, claim 20 of the claimed invention.

In Tsukuda, an organometallic compound may be physically applied to the surface of a porous base, however the organometallic compound does not have a group which is reacted to bond to carbon atoms of a backbone chain of a polymer material. Further, one effect associated with the use of the organometallic compound of Tsukuda is to block polar groups, which adversely affects the battery characteristics of the porous base (*see, e.g.* paragraph [0370]). In stark contrast, the present invention provides a separator the durability of which, for example against a nonaqueous electrolyte, is improved by modifying a portion of the polymer material using the modifier as claimed.

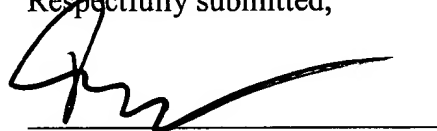
Accordingly a *prima facie* case of anticipation has not been established in that the applied reference fails to disclose all the claimed features in the manner claimed as required. It is respectfully requested therefore that the rejection of independent claim 20 be reconsidered and withdrawn.

Claims 21, 23, 24, and 26-28, by virtue of depending from claim 20, are believed allowable for at least the reasons set forth hereinabove with regard to claim 20. It is respectfully requested that the rejection of claims 21, 23, 24, and 26-28 be reconsidered and withdrawn.

In view of the forgoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. L. Scott, II', is written over a horizontal line.

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